

**STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH  
BUREAU OF REGULATORY SERVICES**

In re: Dee C. Cheshire, S.S.I.

Petition No. 980107-033-001

**CONSENT ORDER**

WHEREAS, Dee C. Cheshire, S.S.I. of Mystic, Connecticut (hereinafter "respondent") has been issued license number 001346 to practice as a subsurface sewage disposal system installer by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 393a of the General Statutes of Connecticut, as amended;

WHEREAS, on or about September 22, 1997, the Department accepted a signed Consent Order from respondent which, in part, required respondent's license to be suspended until he had satisfied certain conditions set forth in said order, a copy of which is attached hereto as Attachment "A" and made a part hereof (hereinafter, "the Prior Consent Order"). Respondent's license has to date not been restored; and,

WHEREAS, the Department alleges that,

1. On or about December 1, 1997, respondent attempted to take out a permit to repair a subsurface sewage disposal system at 10 Wilson Avenue, Waterford, Connecticut while his license was suspended; and

2. Approximately 141 times, during the period from September 2, 1997 through May 28, 1998, respondent transported sewage to, and disposed of sewage at, the Town of Groton's wastewater treatment facility while his license was suspended.
3. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-341f(a); and §20-341f(d), taken in conjunction with §§19-13-B103c(c)(2), 19-13-B103e, 19-13-B103e(c) and 19-13-B103e(f)(2) of the Regulations, Connecticut State Agencies.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations of wrongdoing but, while admitting no guilt or wrongdoing, agrees that for purposes of this or any future proceedings before the Department, this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14 and 20-341f(d) of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and 20-341f(d) of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives his right to a hearing on the merits of this matter.
2. Respondent shall pay a civil penalty of two-thousand five-hundred dollars (\$2,500.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, and shall be payable at the time respondent submits the executed Consent Order to the Department.
3. The suspension of respondent's license shall be terminated.
4. Concurrently, respondent's license shall be placed on probation for a period of two (2) years under the following terms and conditions:

- a. Respondent shall comply with all statutes and regulations applicable to his licensure including, but not limited to:
  - (1) viewing individual plans on file at the office of the local Director of Health prior to commencing performance on any installation, modification, extraction or repair contract;
  - (2) acquiring all requisite permits, submitting a plan, and obtaining approval to construct as required by regulation; and,
  - (3) notifying the local Director of Health or his/her agent twenty-four (24) hours prior to commencing performance on any installation, modification, extraction or repair contract.
- b. Not less than twenty-four (24) hours prior to commencement of any installation, modification, extraction, and /or repair for which he is responsible, respondent shall obtain from the local Director of Health or his/her agent and provide to the Department, a copy of the work permit notice.
- c. Respondent shall obtain the written approval to construct from the local Director of Health or his/her agent for each and every subsurface sewage system installation, modification, extraction and/or repair for which he is responsible, and to provide them to the Department not less than one (1) week from the date of receipt of the written approval to construct.
- d. The local Director of Health or his/her agent shall have the right to monitor respondent's practice by any other reasonable means which he or she deems appropriate. Respondent shall fully cooperate with the local Director of Health or his/her agent in providing such monitoring.

- e. Every local Director of Health in such districts in which respondent is conducting business shall be provided with a copy of this Consent Order within fifteen (15) days of its effective date. Such local Director(s) of Health shall provide written confirmation to the Department acknowledging receipt and review of the Consent Order.
5. All correspondence and reports are to be addressed to:
- Frank Schaub, Supervising Sanitary Engineer  
Department of Public Health  
410 Capitol Avenue, MS #51SEW  
P.O. Box 340308  
Hartford, CT 06134-0308
- 6. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
  - 7. Respondent shall pay all costs necessary for him to comply with this Consent Order.
  - 8. Any alleged violation of any provision of this Consent Order may result in the following procedures at the discretion of the Department:
    - a. The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.
    - b. Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.
    - c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 8a above to demonstrate to the satisfaction of the

Department that he has complied with the terms of this Consent Order or, in the alternative, that he has cured the violation in question.

- d. If respondent does not demonstrate compliance or cure the violation by the limited fifteen (15) day date certain contained in the notification of violation to the satisfaction of the Department, he shall be entitled to a hearing before the Department which shall make a final determination of the disciplinary action to be taken.
  - e. Evidence presented to the Department by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.
9. In the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from practicing as a subsurface sewage disposal system installer or cleaner, upon request by the Department, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that his failure to cooperate with the Department's investigation shall constitute an admission that his conduct constitutes a clear and immediate danger as required pursuant to the General Statutes of Connecticut, sections 4-182(c) and 19a-17(c).
10. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of his license before the Department.

11. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department.
12. This Consent Order is effective after the last signatory is fixed to this document.
13. Respondent agrees that this Consent Order shall be deemed a public document, and the Department's allegations as contained in this Consent Order and in the Prior Consent Order shall be deemed true in any subsequent proceeding before the Department in which his compliance with this Consent Order or with §20-341f(d) of the General Statutes of Connecticut, as amended, is at issue.
14. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
15. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that he may have under the laws of the State of Connecticut or of the United States.
16. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
17. Respondent permits a representative of the Legal Office of the Bureau of Regulatory Services to present this Consent Order and the factual basis for this Consent Order to the

Department. Respondent understands that the Department has complete and final discretion as to whether this executed Consent Order is approved or accepted.

18. Respondent has the right to consult with an attorney prior to signing this document.

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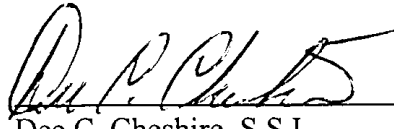
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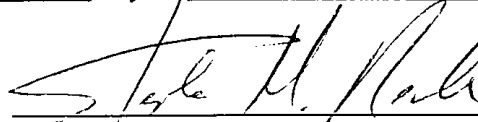
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I, Dee C. Cheshire, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.



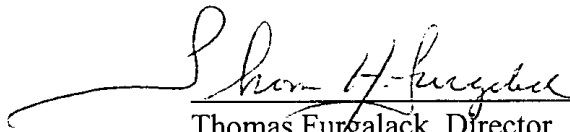
Dee C. Cheshire, S.S.I.

Subscribed and sworn to before me this 2nd day of March 1999.



Notary Public or person authorized  
by law to administer an oath or affirmation  
*Commissioner of the Superior Court*

The above Consent Order having been presented to the duly appointed agent of the  
Commissioner of the Department of Public Health on the 10<sup>th</sup> day of  
MARCH 1999, it is hereby accepted.



Thomas Furgalack, Director  
Division of Environmental Health

s:llf/cheshire/co  
2/99